

ROBERT K. PHILLIPS, ESQ.  
Nevada Bar No. 11441  
TIMOTHY D. KUHLS, ESQ.  
Nevada Bar No. 13362  
LATISHA ROBINSON, ESQ.  
Nevada Bar No. 15314  
**PHILLIPS, SPALLAS & ANGSTADT LLC**  
504 South Ninth Street  
Las Vegas, Nevada 89101  
P: (702) 938-1510  
E: [rphillips@psalaw.net](mailto:rphillips@psalaw.net)  
[tkuhs@psalaw.net](mailto:tkuhs@psalaw.net)  
[lrobinson@psalaw.net](mailto:lrobinson@psalaw.net)

*Attorneys for Defendant  
Wal-Mart Stores, Inc.*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ELWIN BRODIE, individually,

Plaintiff,

vs.

WAL-MART STORES, INC.; DOES 1 through  
100; and ROE CORPORATION 101 through  
200, inclusive,

Defendant(s).

Case No.: 2:21-cv-00009-JCM-VCF

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO EXTEND DISCOVERY**  
**DEADLINES**

**[THIRD REQUEST]**

Plaintiff ELWIN BRODIE (hereinafter “Plaintiff”) and Defendant WAL-MART STORES, INC. (hereinafter “Defendant” or “Walmart”), by and through their respective counsel of record, do hereby stipulate to extend the remaining deadlines in the current scheduling order and discovery plan in this matter for a period of sixty (60) days for the reasons explained herein.

Pursuant to Local Rule 6-1(b), the parties hereby aver that this is the third such discovery extension requested in this matter.

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**DISCOVERY COMPLETED TO DATE**

- The parties have conducted an FRCP 26(f) conference and have served their respective FRCP 26(a) disclosures;
- The parties have filed all required documents pursuant to ECF 2 to date;
- Plaintiff has provided provider specific authorizations;
- Defendant has served written discovery to Plaintiff and Plaintiff has submitted timely responses;
- Deposition of Plaintiff;

**DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY**

Discovery to be completed includes:

- Plaintiff serve Defendant written discovery;
- Depositions of Plaintiff's treating physicians;
- Depositions of fact witnesses;
- Disclosure of experts by both parties;
- Depositions of expert witnesses and rebuttal expert witnesses; and
- Plaintiff to notice Defendant's 30(b)(6) deposition.

The parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension. The parties agree that, pending this Court's approval, extension of remaining discovery deadlines is appropriate, as the parties has agreed to allow Plaintiff to conduct the deposition of fact witness, and allow Defendant to gather additional facts in order to allow Defendant to attend settlement conference knowing all facts of the case, which will allow them to negotiate in good faith. The parties aver that they are attempting to settle this matter.

The parties have acted in good faith to request this extension and have no intent, nor reason, to delay the resolution of this matter.

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**~~PROPOSED~~ NEW DISCOVERY DEADLINES**

**Expert Disclosure Deadline:**

Currently: November 23, 2021

Proposed: **No Change**

**Rebuttal Expert Disclosure Deadline:**

Currently: December 24, 2021

Proposed: **No Change**

**Last Day to Amend Pleadings or Add Parties:**

Currently: November 23, 2021

Proposed: **No Change**

**Discovery Cut-Off Date:**

Currently: February 18, 2022

Proposed: **April 19, 2022**

**Dispositive Motion Deadline:**

Currently: March 22, 2022

Proposed: **May 23, 2022**

**Proposed Joint Pre-Trial Deadline:**

Currently: April 21, 2022 If dispositive motions are filed, the deadline  
for filing the joint pretrial order will be suspended until 30 days  
Proposed: **June 20, 2022** after decision on the dispositive motions or further court order.

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If this extension is granted, all anticipated additional discovery should be concluded within the stipulated extended deadline. The parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 9<sup>th</sup> day of February, 2022.

**BERNSTEIN & POISSON**

*/s/ Amber N. King*

SCOTT L. POISSON, ESQ.

Nevada Bar No. 10188

AMBER N. KING, ESQ.

Nevada Bar No. 14070

320 S. Jones Blvd.

Las Vegas, NV 89107

*Attorneys for Plaintiff*

*Elwin Brodie*

DATED this 9<sup>th</sup> day of February, 2022.

**PHILLIPS, SPALLAS & ANGSTADT LLC**

*/s/ Latisha Robinson*

ROBERT K. PHILLIPS, ESQ.

Nevada Bar No. 11441

TIMOTHY D. KUHLS, ESQ.

Nevada Bar No. 13362

LATISHA ROBINSON, ESQ.

Nevada Bar No. 15314

504 South Ninth Street

Las Vegas, NV 89101

*Attorneys for Defendant*

*Wal-Mart Stores, Inc.*

**IT IS SO ORDERED:**

  
UNITED STATES MAGISTRATE JUDGE

DATED: 2-10-2022

**CERTIFICATE OF SERVICE**

Pursuant to FRCP Rule 5, I hereby certify that I am an employee of the law firm PHILLIPS, SPALLAS & ANGSTADT, LLC, and that on this 9<sup>th</sup> day of February, 2022, I electronically served a copy of **STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES [THIRD REQUEST]** as follows:

- ☐ By facsimile addressed to the following counsel of record, at the address listed below;
- ☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☐ By Hand Delivery (ROC); and/or
- ☒ By Electronic Service through CM/ECF to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
SCOTT T. POISSON, ESQ. Nevada Bar No. 10188 AMBER N. KING, ESQ. Nevada Bar No. 14070 BERNSTEIN & POISSON 320 South Jones Las Vegas, Nevada 89107	Phone 702-877-4878 Fax 702-256-6280	Plaintiff

*/s/ Maryel Cervantes*

\_\_\_\_\_  
An Employee of PHILLIPS, SPALLAS & ANGSTADT, LLC

**From:** [Latisha Robinson](#)  
**To:** [Maryel Cervantes](#)  
**Cc:** [Joshua J. Kephart](#)  
**Date:** Wednesday, February 9, 2022 4:46:12 PM  
**Attachments:** [image001.png](#)  
[2022-02-09\\_SAO EDD 3rd Request Brodie, E.docx](#)  
[2022-02-09\\_SAO Extend Time to Attend Settlement Conf Brodie, E.docx](#)

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Maryel, please file both stipulation. It just need your signature at the bottom of the certificate of service.

Thank you,

Latisha Robinson

**Latisha Robinson**

Associate Attorney

[lrobinson@psalaw.net](mailto:lrobinson@psalaw.net)

702-938-1510 ext. 213

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**From:** Amber King <[amber@vegashurt.com](mailto:amber@vegashurt.com)>  
**Sent:** Wednesday, February 9, 2022 4:39 PM  
**To:** Latisha Robinson <[lrobinson@psalaw.net](mailto:lrobinson@psalaw.net)>  
**Cc:** Maryel Cervantes <[mcervantes@psalaw.net](mailto:mcervantes@psalaw.net)>  
**Subject:** RE: Proposed Stipulations

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You can attach my esignature to both stips.

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**From:** Latisha Robinson <[lrobinson@psalaw.net](mailto:lrobinson@psalaw.net)>  
**Sent:** Wednesday, February 9, 2022 4:37 PM  
**To:** Amber King <[amber@vegashurt.com](mailto:amber@vegashurt.com)>  
**Cc:** Maryel Cervantes <[mcervantes@psalaw.net](mailto:mcervantes@psalaw.net)>  
**Subject:** Proposed Stipulations

Good afternoon Amber,

Attached are the stipulations for your review. Please let us know if there are any proposed edits. If there are not, may I affix your e-signature on the document.

Thank you,

Latisha Robinson

**Latisha Robinson**

Associate Attorney



San Francisco | Las Vegas | Los Angeles | Napa Valley

504 S. Ninth Street  
Las Vegas, NV 89101

t [702-938-1510](tel:702-938-1510)

f [702-938-1511](tel:702-938-1511)

[lrobinson@psalaw.net](mailto:lrobinson@psalaw.net)

[www.psalaw.net](http://www.psalaw.net)

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